

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRANDON J. IVEY,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C22-5430 RSM

ORDER TO FILE ANSWER

Plaintiff's Complaint seeking review of the Commissioner's decision denying social security benefits was filed on June 15, 2022. Dkt. No. 3. The Clerk issued summonses that same day. Dkt. No. 4. Plaintiff filed proof of service on November 18, 2022. Dkt. No. 6. Pursuant to Federal Rule of Civil Procedure 12(a)(2), the Commissioner was required to serve an answer to Plaintiff's complaint within 60 days after service, thus the Commissioner's answer was due by January 17, 2023. *See also* Fed. R. Civ. P. SUPP SS 4. The Commissioner failed to timely file an answer, and on January 31, 2023, the Court issued an order directing the Commissioner to (1) show cause why an answer was not timely filed, or (2) file an answer. Dkt. No. 7. The Commissioner responded on February 2, 2023 and explained neither the Social Security Administration's Office of General Counsel nor the United States Attorney's Office for the Western District of Washington received any proof of service or "any emails or documents on this case." Dkt. No. 8 at 1. The Commissioner also requested the Court to waive service "[d]ue to this evident miscommunication regarding service." *Id.* at 2.

1 Finding good cause, the Court extends the answer deadline and ORDERS the
2 Commissioner to file an answer to Plaintiff's complaint by April 7, 2023.

3 DATED this 6th day of February, 2023.

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Ricardo S. Martinez
United States District Judge

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